FISCAL NOTE

SB 3987 - HB 3991

February 28, 2008

SUMMARY OF BILL: Creates new Class E felony offenses for knowingly assaulting a law enforcement officer and for removing a chemical weapon or handcuffs from a law enforcement officer.   Creates a new Class D felony offense for removing a firearm or stud weapon from a law enforcement officer.   Creates a new Class B felony offense for aggravated assault on a law enforcement officer.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - $1,403,400/Incarceration*

Decrease Local Revenue – Less than $100,000
Decrease Local Expenditures – Exceeds $100,000

Assumptions:

- Simple assault is currently punishable as a Class A or Class B misdemeanor.   The Department of Correction (DOC) estimates approximately one percent of 10,000 misdemeanor convictions (100) for simple assault statewide were assaults on law enforcement officers.
- According to data published by the Tennessee Bureau of Investigation, there has been an average of 1,684 simple assaults and 814 aggravated assaults per year for the past four years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 percent over the next 10 years.
- One hundred persons will be convicted of a Class E felony for assaulting a law enforcement officer in the first year that would have been convicted of Class A or B misdemeanors. Population growth will result in 11 additional offenders charged with a Class E felony in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 111 offenders serving 0.3 years.
- One hundred eleven offenders will serve 0.3 years (109.58 days). According to DOC, the average operating cost per inmate per day for calendar year 2008 is $62.78. The cost per inmate at 0.3 years is
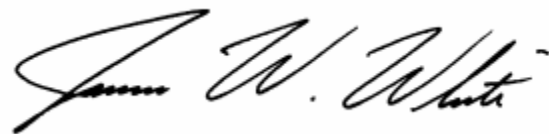
SB 3987 - HB 3991

$6,879.43 ($62.78 x 109.58 days). The total operating cost for 111 offenders $763,616.73 ($6,879.43 x 111).

- One person will be convicted of a Class E felony for removing a chemical weapon or handcuffs from a law enforcement officer and will serve 0.3 years (109.58 days). The cost per inmate at 0.3 years is $6,879.43 ($62.78 x 109.58 days).
- One person will be convicted of a Class D felony for removing a firearm or stun weapon from a law enforcement officer and will serve 0.6 years (219.15 days). The cost per inmate at 0.6 years is $13,758.24 ($62.78 x 219.15 days).
- Aggravated assault is currently punishable as a Class C or Class D felony. Estimate assumes two percent (16) of the offenders convicted of aggravated assault on law enforcement officers would be convicted of a Class B felony and would serve an additional 1.5 years (an increase from 0.9 years to 2.4 years) in the first year. Population growth will result in two additional offenders in the tenth year. The maximum cost in the tenth year is based on 18 offenders serving additional time on their sentences. The cost per inmate at 0.9 years is $20,637.67 ($62.78 x 328.73 days). The cost per inmate at 2.4 years is $55,032.95 ($62.78 x 876.60 days). The additional cost from increasing the average sentence length from 0.9 years to 2.4 years is $34,395.28 ($55,032.95 - $20,637.67). The total additional operating cost for 18 offenders is $619,115.04 ($34,395.28 x 18).
- Local government will have a decrease in expenditures and revenues associated with misdemeanor offenses that will be elevated to felony offenses under this bill.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

James W. White, Executive Director

/lsc

SB 3987 - HB 3991